

REMARKS

Claims 1-5, 8, 10-12, 16-20, 22-24, 26, and 27 are currently pending in the subject application and are presently under consideration. A version of all pending claims is located at pages 2-6 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-5, 8, 10-12, 16-20, 22-24, 26, and 27 Under 35 U.S.C.**§103(a)**

Claims 1-5, 8, 10-12, 16-20, 22-24, 26, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Call (US 2002/0143521 A1) in view of Houben *et al.* (US 2002/0147745). This rejection should be withdrawn for at least the following reasons. Call and Houben *et al.*, either alone or in combination, do not teach or suggest each and every feature recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. See MPEP §706.02(j). The **teaching or suggestion to make the claimed combination** and the reasonable expectation of success **must be found in the prior art and not based on the Applicant's disclosure**. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Applicants' claimed subject matter relates to a parsing XML and particularly to an object oriented pull model XML parser. More particularly, the claimed subject matter provides a configurable, object oriented pull model XML parser that exposes an interface that facilitates abstracting input sources. The object model pull model parser facilitates incrementally and selectively parsing data from an XML document thereby mitigating

over-parsing problems associated with conventional systems (e.g., excessive memory and/or processing requirements). Because the pull model parser is object oriented and exposes an interface, the claimed subject matter simplifies interactions with other programs, processes, objects, and the like, that in turn facilitates providing high-level abstractions of XML data sources. Moreover, since XML can contain external entity references, the claimed subject matter can selectively expand such external references, thus providing flexibility advantages concerning document location and entity expansion over conventional systems. Further, since an XML document can contain invalid and/or ill formed XML, the claimed subject matter can determine whether the pulled XML is well formed and/or valid, where well-formedness comports with, for example, World Wide Web Consortium (W3C) standards, and validity concerns adherence to one or more user defined formats such as, for example, a Document Type Declarations (DTDs) and/or schema. Additionally, the parser associated with the claimed subject matter facilitates parsing data as a virtual node is moved over a stream of XML data. Pulling nodes from an input stream in such a manner provides advantages over conventional systems in that if a user does not wish to parse certain nodes in an input stream, the virtual node can overlook or pass over these undesired nodes without presenting them for parsing. Such a facility significantly reduces the amount of data that the parser and/or user program needs to interact with and simplifies conventional processes like stopping parsing when a certain point in the input stream is reached. To this end, independent claims 1, 16, and 27 recite similar features, namely: *a scanner that parses an XML stream to locate at least one XML token associated with an XML item, the XML stream includes information from at least two data stores.* Call and Houben *et al.*, alone or in combination, fail to teach or suggest these aspects of applicants' claimed subject matter.

Call relates to electronic data processing systems and more particularly, to methods and apparatus for storing and transmitting both variable length data (including text) and fixed length data, and for performing processing operations on such data. While the cited document provides mechanisms for storing and manipulating XML documents and provides an API for processing documents in accordance with the interface specification for the Document Object Model (DOM) as defined by the World Wide Web Consortium (W3C), or by means of a SAX API, the cited document does not provide that

the XML stream from which an XML item is to be extracted comprises information from at least two data stores. The Examiner in the Response to Arguments section asserts that Call discloses these pertinent aspects at paragraphs [0023], [0031], [0033]-[0034], [0038], and [0044]. Applicants' representative disagrees. Paragraph [0023] discloses: "data stored in the integer array is subdivided into items, and the items are subdivided into fields. Items may be organized into more complex data structures, such as relational tables, hierarchical object structures, linked lists, and trees, and the like, using special fields called links." Paragraph [0031] states: "each item's physical storage location is placed in a lookup table indexed by itemnumber, allowing an item to be indirectly addressed by its itemnumber, and allowing itemnumber links to be rapidly dereferenced to obtain the location of linked items." Paragraphs [0033]-[0034] provides: "metadata describing each item type consists of: (1) an optional name (which may be a qualified name in a namespace). The item name may be supplied by the user, or derived automatically from an XML schema or XML document. Two items whose type is identical in all other respects but which have different names are treated as different item types and are assigned different itemtype numbers. Item names need not be unique if associated with differing type information." Paragraph [0038] discloses: "each item is composed of a predetermined set of one or more numbered fields (some of which may be empty), with the data in each field located at (or via) predetermined integer positions within the item as specified by the item type's field map. Thus, while the position of the items with respect to other items has no logical significance, the position of every field within an item is specified by the field map in the item type." Further, paragraph [0044] provides: "(1) Field names (if any), which may be a qualified name in a namespace. The field name may be supplied by the user, or by an XML schema or XML data when a named element or attribute is stored as a field." Review of the cited passages makes evident that Call organizes items in complex data structures (e.g., relational tables, hierarchical object structures, linked lists, trees, and the like) utilizing fields within the data structure as links. Further, each item's physical storage location can be placed in a lookup table indexed by item number which allows items to be indirectly addressed by item number allowing links to be rapidly dereferenced to obtain the location of linked items. Nevertheless, Call contrary to the Examiner's assertions does not provide that the

XML stream from which an XML item is to be extracted comprises information from at least two data stores. Nowhere in the cited document is there provision for a data stream to be drawn from two data stores. In contrast to Call, applicants' claimed subject matter provides and discloses parsing an XML stream that comprises information from two or more data stores to locate XML tokens associated with an XML item. It is thus submitted that the primary document is clearly distinguishable from the invention as claimed in this regard. It is thus submitted, that the cited document is silent with regard to this salient aspect of the claimed subject matter.

Moreover, Call's silence in the above respect provides clear indication that the Examiner is impermissibly employing applicants' own teaching to cure and/or remedy omissions/deficiencies in the cited document. The Examiner is thus inexcusably utilizing applicants' specification as a 20/20 hindsight-based road map to achieve the purported invention. In essence, the Examiner has based the rejection solely on an assertion that it would have been obvious to do something not suggested in the art based on the advantages disclosed in applicants' specification. This rationale has been condemned by the Court of Appeal for the Federal Circuit as being sophistic. *See e.g., Panduit Corp. v. Dennison Manufacturing Co.*, 1 USPQ2d 1593 (Fed. Cir. 1987). Additionally, as the Examiner concedes, Call fails to disclose: *a retriever that ... exposes data model and/or Infoset information associated with the pulled XML item*. In order to remedy this deficiency the Examiner offers Houben *et al.*

Houben *et al.* relates generally to document servers and more specifically to document servers integrated with legacy data systems. However, like the primary document, the secondary document does not teach or suggest a scanner that parses an XML stream to locate at least one XML token associated with an XML item such that the XML stream includes information from at least two data stores. Rather, the secondary document, like the primary document above, is silent regarding the pertinent aspects of applicants' claimed invention. Accordingly, since neither Call nor Houben *et al.* make obvious the applicants claimed invention, withdrawal of this rejection with respect to independent claims 1, 16, and 27 (and associated dependent claims) is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP298US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
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